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October 19, 2023

Hon. Judge Paul A. Crotty
U.S. District Court
Southern District of New York

AUSA Steven Tugander
26 Federal Plaza, Room 3630
New York, New York 10278
Steven.tugander@usdoj.gov

Jaleesa Harris
United States Probation Officer
Jaleesa_Harris@nysp.uscourts.gov

RE: USA vs. Dwayne Johnson
23-CR-00088-PAC

Dear Judge Crotty,

My firm represents Mr. Johnson in the above referenced matter. We write to request a partial modification of the sentence previously imposed by this Court.

On September 7, 2023 your honor sentenced Mr. Dwayne Johnson pursuant to his guilty plea to one count of bid rigging under 15 U.S.C. § 1 to time already served, a two year term of supervised release, and six months home confinement and a fine in the amount of \$20,000. (See sentencing transcript attached hereto).

Mr. Johnson is respectfully asking this court to consider modifying that portion of his sentence which orders the six months of home confinement. Mr. Johnson is not asking the Court to eliminate the home confinement portion of his sentence, instead he asks this Court to allow for **carve out periods which would permit Mr. Johnson to leave his home so he can go back to work full time and help support his family and begin earning a salary again which would also assist him in paying off his \$20,000 fine.**

As the Court may recall, Mr. Johnson has been unemployed since February 16, 2023 shortly after he was charged in connection with this matter. This lengthy eighth month period of unemployment has had a significant financial impact on Mr. Johnson and his family. However, I have been advised by Mr. Johnson that he now has two possible job opportunities which he would very much like to pursue. I am informed that Mr. Johnson is in the later round of interviewing for a sales position at a company called Touchview Interactive. This company has offices in Brockton, Massachusetts and Atlanta, Georgia. I am advised that this is a sales position in the technology area which is exceedingly familiar territory for Mr. Johnson. Mr. Johnson believes that if he is offered the position, he would likely have to start in early November. I am told that there would likely be some type of training period which would require Mr. Johnson to leave his

10/25/2023
The partial modification requested
is granted. No order will
be made.
Paul Crotty
10/11

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home and possibly the state for training. Mr. Johnson also indicates that he would likely work five days a week, predominately from home, but that his responsibilities would require leaving the house at various times to meet with clients and perform any other sales related activity. The second opportunity is with a company called PC University located in Valley Stream, New York. The title and responsibilities are similar to that of Touchview mentioned above.

Consequently, Mr. Johnson is asking this Court to modify the home confinement portion of his sentence which would permit him to leave his home for the exclusive and limited purpose of travelling for work. Mr. Johnson can provide the Department of Probation and the Court with any necessary documentation that is required including a weekly calendar which would specify the specific days and times Mr. Johnson will need to leave his home for work each week. Moreover, I am advised by Mr. Johnson that the Department of Probation has been quite flexible with Mr. Johnson allowing him to continue his volunteer time at the Pantry as well as his Church responsibilities. However, Mr. Johnson recognizes that any greater flexibility for employment purposes would have to receive approval from this Court.

Finally, Mr. Johnson also respectfully asks this Court to allow him to begin paying off his fine on a monthly basis. As indicated above, Mr. Johnson has been unemployed for approximately eight months which has caused him significant financial difficulties. He has indicated that he is presently not in a position to pay the fine in its entirety and requests the opportunity to begin paying it off on a monthly basis in the amount of \$150.00 monthly at least until he is able to secure employment and his financial condition improves.

Please let us know if the Court requires any further information with regard to our application.

Thank you for your attention and consideration in this matter.

Respectfully,

/s/ Brad A. Leventhal
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